

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-23-2-12.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) As used in this**
- 6 **section, "contractor" refers to a person who provides professional**
- 7 **services under a contract with the department.**
- 8 **(b) As used in this section, "professional services" refers to**
- 9 **engineering, architectural, or surveying services.**
- 10 **(c) Notwithstanding any provision of IC 26-2-5-1 to the**
- 11 **contrary, the department may not require a contractor to assume**
- 12 **any liability or indemnify the state for any amount greater than the**
- 13 **degree of fault of the contractor.**
- 14 **(d) Any contractual provision in conflict with the prohibitions**
- 15 **contained in subsection (c) is void and unenforceable."**
- 16 Page 1, line 10, delete "twenty" and insert "**fifteen**".

- 1 Page 1, line 10, delete "(20%)" and insert "**(15%)**".
- 2 Page 1, after line 15, begin a new paragraph and insert:
- 3 "SECTION 3. IC 34-30-2-26.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 26.5. IC 8-23-2-12.5**
- 6 **(Concerning contractors providing services to the Indiana**
- 7 **department of transportation).**
- 8 SECTION 4. **An emergency is declared for this act.**".
- 9 ReNUMBER all SECTIONS consecutively.
- (Reference is to SB 175 as printed January 16, 2008.)

and when so amended that said bill do pass.

Representative Austin